



PTO/SB/21 (04-07)  
Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAE 4/2007  
TM

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/198,087
		Filing Date	November 23, 1998
		First Named Inventor	Colvin et al.
		Art Unit	3731
		Examiner Name	NA
Total Number of Pages in This Submission		Attorney Docket Number	Quickie-001-PT

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="text"/> Remarks <b>PETITION FOR RECONSIDERATION UNDER 37 CFR 1.378(e); NEWLY ADDED EXHIBIT 15.</b>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Maier & Maier, PLLC		
Signature			
Printed name	Timothy J. Maier		
Date	May 7, 2007	Reg. No.	51,986

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/198,087
Filing Date	November 23, 1998
First Named Inventor	Colvin et al.
Art Unit	3731
Examiner Name	N/A
Attorney Docket Number	Quickie - 001 - PT

Enclosed is a petition filed under 37 CFR 1.378(e) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:  
 petition fee under 37 CFR 1.17(f), (g) or (h)       any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.36(a) - for revocation of a power of attorney by fewer than all applicants  
 § 1.53(e) - to accord a filing date.  
 § 1.57(a) - to accord a filing date.  
 § 1.182 - for decision on a question not specifically provided for.  
 § 1.183 - to suspend the rules.  
 § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 - for access to an assignment record.  
 § 1.14 - for access to an application.  
 § 1.47 - for filing by other than all the inventors or a person not the inventor.  
 § 1.59 - for expungement of information.  
 § 1.103(a) - to suspend action in an application.  
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 - for review of refusal to publish a statutory invention registration.  
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.  
 § 1.958 - for patent owner requests for extension of time in inter partes reexamination proceedings.  
 § 5.12 - for expedited handling of a foreign filing license.  
 § 5.15 - for changing the scope of a license.  
 § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.  
 § 1.84 - for accepting color drawings or photographs.  
 § 1.91 - for entry of a model or exhibit.  
 § 1.102(d) - to make an application special.  
 § 1.138(c) - to expressly abandon an application to avoid publication.  
 § 1.313 - to withdraw an application from issue.  
 § 1.314 - to defer issuance of a patent.

Signature

Timothy J. Maier

Typed or printed name

May 7, 2007

Date

51,986

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	U.S. Patent No.:	6,066,160
Colvin <i>et al.</i>	Owner:	Quickie, L.L.C.
Appl. No. 09/198,087	Filed:	November 23, 1998
For: <b>Passive Knotless Suture</b> <b>Terminator For Use in Minimally</b> <b>Invasive Surgery and to Facilitate</b> <b>Standard Tissue Securing</b>	Issued:	May 23, 2000
	Art Unit:	3731

**PETITION FOR RECONSIDERATION UNDER 37 CFR 1.378(e)**

Mail Stop PETITIONS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-referenced patent, U.S. Patent No. 6,066,160 ("the '160 patent"), expired for delayed payment of the first maintenance fee. Submitted herewith is Petitioner's Petition pursuant to 37 CFR 1.378(e) for Reconsideration of the Decision on Petition (the "Reconsideration Petition"). In connection therewith, Petitioner respectfully states as follows:

**I. SUPPLEMENTS TO AND FURTHER COMMENTS CONCERNING THE EXHIBITS**

Petitioner is providing a new Exhibit 15 setting forth Petitioner's most recent attempt to obtain documents from Thelen, Reid & Priest, LLP ("Thelen") and Greenberg Traurig, LLP ("Greenberg"), and their responses thereto.

On March 14, 2007, Petitioner wrote to Thelen again seeking production of the listed documentation for use in connection with the present Reconsideration Petition. Thelen apparently forwarded Petitioner's correspondence to outside counsel, who merely repeated Thelen's prior refusals to produce any documents to assist Petitioner in connection with this Reconsideration Petition. To date, Thelen has not produced a single document for Petitioner's use in support of either the original Reinstatement Application 35/03/2007 YPOLITE1 C2390369 6066160 or the current Reconsideration Petition.

62 PAGES

455.42 E

Similarly, Exhibit 15 includes Petitioner's April 6, 2007 correspondence to Greenberg, likewise requesting production of the listed documentation for use in connection with the present Reconsideration Petition. Greenberg responded to this correspondence in an April 13, 2007 letter (also included), not to state that they have no responsive documents, but rather to reiterate that Greenberg was refusing to produce any such documents on the grounds that they are irrelevant because Greenberg had no responsibility for payment of maintenance fees on the '160 Patent. As with Thelen, to date Greenberg has not produced a single document to assist Petitioner in its efforts to reinstate the '160 Patent.

While Petitioner would undoubtedly prefer to attach more documentary evidence in support of its request for the '160 Patent's reinstatement, to date all efforts to obtain such documents and information from Petitioner's former counsel have been unsuccessful. Nevertheless, the available evidence demonstrates that the delay in paying maintenance fees was unavoidable as to Petitioner due to its outside counsel's failure to honor their statutory, regulatory, and contractual obligations. For that reason, as discussed below, Petitioner seeks entry of an order reversing the Decision on Petition and ordering reinstatement of the '160 Patent.

## **II. RESPONSE TO THE DECISION ON PETITION**

### **A. Preliminary issues needing clarification**

The Decision on Petition contains several factual and procedural inconsistencies that render the conclusions reached therein subject to further scrutiny. For example, although the Office correctly states that the decision to dismiss is made under 37 CFR 1.378(b), the Decision goes on to incorrectly state that "[t]he reconsideration request should include a cover letter entitled 'Renewed Petition under 37 CFR 1.137'" and that extensions of time are permitted under 37 CFR 1.136(a). Decision at p. 1. Yet, correctly, the Decision grants Petitioner two months to file a "Petition for Reconsideration under 37 CFR 1.378(b)" where such time to file is not extendable. Decision at pp. 4-5 (including fn 1).

Moreover, the Decision states that "[a] showing of unavoidable delay must include a showing that the failure to pay the maintenance fee was unavoidable from the time the payment was due, May 24, 2004, through the filing of a grantable petition."

Decision at p. 4 (emphasis added). May 24, 2004, however, is the date that the patent expired, not the date where payment was due. See Decision at p. 1. November 23, 2003 was the due date of the 3.5 year maintenance fee after which, between November 24, 2003 and May 23, 2004, the fee could have been paid with a surcharge. See Decision at p. 1. Finally, May 23, 2003 was the first day the United States Patent and Trademark Office (“USPTO”) would accept payment of the fee. See Decision at p. 1. The Decision on Petitioner’s errors in the citing the significance of these dates renders the entire decision subject to question.

In addition to containing erroneous date references, the Decision also contains serious substantive errors concerning the documents and evidence Petitioner has presented. Specifically, the Decision concludes that “Patentee has failed to account for the period of time between March 4, 2003, when attorney [Todd] Sharrin’s responsibility for the patent terminated, and December 5, 2003, when Patentee filed a Change of Attorney Docket Number and Change of Address Notice. Patentee has thus failed to account for the entire delay.” Decision at p. 4. As discussed below, this conclusion cannot be supported by a review of the available facts and evidence.

At the outset, Petitioner disagrees with the Office’s conclusion that Sharinn’s responsibility for the ‘160 Patent terminated on March 4, 2003, and Petitioner further notes that there is no objective evidence in the record that would support the Office’s conclusion in that regard. Moreover, even assuming that March 4, 2003 was the date upon which Sharinn’s responsibility ended – an assumption that Petitioner vehemently contests – the power of attorney filed by Thelen on that very same date shows that at least Thelen had responsibility for maintenance fees during the March 4, 2003 to December 5, 2003 period referenced in the Decision. As such, Petitioner has accounted for the entire delay by showing with the available evidence that at all relevant times Greenberg/Sharinn and Thelen each had responsibility for maintenance fees on the ‘160 Patent. Contrary to the conclusion reached in the Decision, Petitioner has thus accounted for the entire period March 4, 2003 and December 5, 2003.

#### **B. Response to Decision, pg. 4, ¶ 1**

The Decision states that “Patentee, however, may not rely upon a delay caused by the actions or inactions of Thelen to support an assertion that payment of a maintenance

fee was unavoidable.” Decision at p. 4. The assumption underlying this conclusion is only partly correct – Petitioner relies on the delays caused by the inactions of *both* Thelen and Greenberg. As discussed previously, Petitioner has shown with the available evidence that the delay was unavoidable because at all relevant times, Thelen held Petitioner’s general power of attorney and Greenberg/Sharinn were the designated recipients of all office communications concerning maintenance fees on the ‘160 Patent. In light of those facts, it is self-evident that Petitioner was reasonably looking to its outside counsel to handle maintenance fees on the ‘160 Patent, and thus the failure to pay those fees was unavoidable to Petitioner.

#### **E. Response to Decision, pg. 4, ¶ 2, generally**

Petitioner acknowledges that, in the best of circumstances, its former outside counsel would honor their obligation to produce Petitioner’s files such that the record on this reinstatement application could be more complete. Unfortunately, both Thelen and Greenberg have stonewalled every effort to obtain those client files and other documents related to their representation of Petitioner before the Office in connection with the ‘160 Patent. For that reason, responsibility for failure to present a complete record in support of Petitioner’s reinstatement application falls squarely at the feet of Thelen and Greenberg, not Petitioner’s.

Nevertheless, as discussed herein, the evidence that is available demonstrates that the delay in paying maintenance fees on the ‘160 Patent was unavoidable to Petitioner. If the Office disagrees with that conclusion, then at a minimum Petitioner should be allowed additional time to force Thelen and Greenberg to produce documents that are necessary to complete the record on Petitioner’s reinstatement application.

### **III. CONCLUSION**

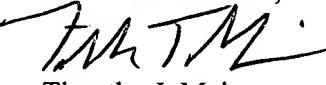
The delay in payment of maintenance fees on the ‘160 Patent was unavoidable to Petitioner because both Thelen and Greenberg failed to honor their contractual, statutory, and regulatory duties to monitor maintenance fees and notify Petitioner when those fees were due. The available evidence – as well as the evidence that is surely in Thelen’s and Greenberg’s hands that they are refusing to produce – demonstrates that the failure to timely pay maintenance fees on the ‘160 Patent was unavoidable to Petitioner.

Serial No.: 09/198,087, Patent No.: 6,066,160  
Attorney Docket No.: Quickie-001-PT

Simply stated, Petitioner reasonably looked to its outside counsel to monitor maintenance fees on the '160 Patent. Outside counsel placed itself firmly between the PTO and Petitioner, such that Petitioner was entirely reliant upon counsel to communicate with the PTO concerning all aspects of the '160 Patent. Petitioner thus had no opportunity to discover that outside counsel was not honoring its duties, and likewise had no opportunity to discover that the maintenance fees had not been paid. Therefore, the entire tale of unfortunate events leading to non-payment of those maintenance fees was unavoidable to Petitioner and the sole fault of Greenberg/Sharinn and Thelen.

For all of those reasons, Petitioner respectfully requests reconsideration and reversal of the Decision on Petition, and entry of an order allowing late acceptance of maintenance fees and reinstatement of the '160 Patent. In the alternative, Petitioner requests entry of an order holding this proceeding in abeyance pending Petitioner's efforts to compel Thelen and Greenberg to produce documents and information to further supplement the record in this matter.

Enclosed herewith is the \$400.00 fee required under 37 CFR 1.17(f). Payment is by credit card for \$400.00. Form PTO-2038 is attached. As to any overpayment or refund, please send a refund check.

Respectfully submitted,  
MAIER & MAIER, PLLC  
  
Timothy J. Maier  
Reg. No. 51,986

Date: May 4, 2007

c/o Timothy J. Maier, Esq.  
Maier & Maier, PLLC  
1000 Duke Street  
Alexandria, VA 22314 USA  
(703) 740 - 8322 x101

# **EXHIBIT 15**



MAIER & MAIER, PLLC  
INTELLECTUAL PROPERTY LAW  
1000 DUKE STREET  
ALEXANDRIA, VIRGINIA USA 22314  
(703) 740-8322  
FAX: (703) 991-7071  
e-mail: [info@maierandmaier.com](mailto:info@maierandmaier.com)

*Sent via Email and Courier*

March 14, 2007

Mr. Robert M. Blum  
Thelen Reid Brown Raysman & Steiner LLP  
(formerly Thelen Reid & Priest LLP)  
101 Second Street  
Suite 1800  
San Francisco, CA 94105

**CONFIDENTIAL COMMUNICATION**

RE: U.S. Patent No. 6,066,160 of Quickie, LLC, Dr. Stephen Colvin

---

Dear Mr. Blum:

Further to your response dated November 15, 2006 to our letter of October 26, 2006, we require additional information from you in order to respond to the enclosed Decision (by the USPTO's Office of Petitions) dismissing our Petition to revive the above-identified patent due to unavoidable delay in the payment of the first maintenance fee.

As stated in the Decision, "a showing of unavoidable delay must include a showing that the failure to pay the maintenance fee was unavoidable from the time the payment was due, May 24, 200[3], through the filing of a grantable petition" (page 4). The public record indicates that your firm prepared and Assignee (Quickie, LLC) executed a power of attorney on March 4, 2003 (also enclosed herewith), which also revoked all prior powers of attorney, to prosecute and transact all business in the USPTO related to your representation of Quickie in reexamination proceedings. Moreover, our records indicate that the power of attorney executed on March 4, 2003 was not revoked by Quickie until August 16, 2006.

Accordingly, evidence of the extent of your responsibility relating to Application No. 09/198,087, U.S. Patent No. 6,066,160, Re-Examination 90/006,460 filed November 25, 2002, and Re-Examination 90/007,085 filed June 30, 2004 must be produced in order to meet the required showing of unavoidable delay. Conversely, as the Office of Petitions found, the documentation you provided in response to our letter dated October

26, 2006 is insufficient to show your extent of responsibility. Simply stated, without Thelen's complete cooperation in producing the herein requested documents and information in its possession or control, if any, there is little chance that the USPTO will reverse its decision to dismiss our reinstatement application.

Specifically, we require the following documentation and information to support our request to reconsider the USPTO's decision:

(1) any and all docketing and calendaring records relating to any and all of the above-referenced matters (the two "indexes" you supplied with your response dated November 15, 2006 are not sufficient);

(2) any and all information on your business routine(s) (e.g., written procedures, processes for avoiding errors, etc.) for docketing new cases and paying maintenance fees as well as any business routine(s) for any other relevant clerical functions;

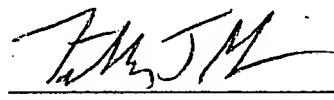
(3) identification of and access to interview the person(s) (i.e. which clerical employee(s) or third party(ies)) were responsible for docketing and the payment of maintenance fees during this time and what relevant training and experience do they possess; and

(4) identification of and access to interview the attorney(s) who authorized the docketing of any and all of the above-referenced matters (it appears likely that Mr. Krebs provided authorization for docketing).

Please contact me no later than 5:00 p.m. Eastern Daylight Time on March 21, 2007 to discuss your ability to produce these requested documents and information. We will do everything in our power to facilitate your effort in responding including traveling to your office, if necessary, to obtain the needed records and documentation. Please do not hesitate to contact me via phone (703 740-8322 x101) or email (tjm@maierandmaier.com) if you would like to further discuss this matter with me.

With Best Regards,

Very Truly Yours,  
MAIER & MAIER, PLLC

  
\_\_\_\_\_  
Timothy J. Maier, Esq.

TJM/MCB  
Enclosure(s): As Stated Above



LAW OFFICES  
**KEKER & VAN NEST**

L.L.P.

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188

RAGESH K. TANGRI  
rkt@kvn.com

March 20, 2007

**SETTLEMENT & MEDIATION PRIVILEGED –  
FRE 408, CAL. EVIDENCE CODE §§ 1119 AND 1152**

**VIA E-MAIL AND FIRST CLASS MAIL**

Timothy Maier, Esq.  
Maier & Maier, PLLC  
1000 Duke Street  
Alexandria, VA 22314

Re: U.S. Patent No. 6,066,160 of Quickie, LLC, Dr. Stephen Colvin

Dear Mr. Maier:

I am in receipt of your March 14, 2007 letter to Robert Blum. Please be aware that my firm represents Mr. Blum's firm in connection with this matter. We have been communicating with Walter J. Scott and Stephen Loden of Diamond McCarthy with regards to this, and expect to have further substantive communications with those gentlemen during the first week of April. I am hopeful that once we have concluded those discussions, we will be in a position to respond more fully to your letter.

Sincerely,

Ragesh K. Tangri

RKT/rcc

cc: Robert M. Blum, Esq.  
Stephen T. Loden, Esq.



MAIER & MAIER, PLLC  
INTELLECTUAL PROPERTY LAW  
1000 DUKE STREET  
ALEXANDRIA, VIRGINIA USA 22314  
(703) 740-8322  
FAX: (703) 991-7071  
e-mail: [info@maierandmaier.com](mailto:info@maierandmaier.com)

*Sent via Email and Courier*

April 6, 2007

Ms. Dawn Beighey  
Assistant General Counsel  
Greenberg Traurig, LLP  
1221 Brickell Avenue  
Miami, FL 33131

**CONFIDENTIAL COMMUNICATION**

RE: U.S. Patent No. 6,066,160 (Colvin, et al.) of Quickie, LLC

---

Dear Ms. Beighey:

Further to our letter of September 26, 2006 addressed to Mr. Charles Berman of your New York office and to your email correspondence of October 20, 2006 informing us that our letter was forwarded to you in your capacity as Assistant General Counsel, we need and must request additional information so that we can fully respond to the enclosed Decision (by the USPTO's Office of Petitions) dismissing our Petition to revive the above-identified patent due to unavoidable delay in the payment of the first maintenance fee.

As stated in the Decision, "a showing of unavoidable delay must include a showing that the failure to pay the maintenance fee was unavoidable from the time the payment was due, May 24, 200[3], through the filing of a grantable petition" (page 4). Accordingly, evidence of the extent of your responsibility relating to Application No. 09/198,087, U.S. Patent No. 6,066,160 (the '160 patent), *Medtronic* litigation filed February 13, 2002, Re-Examination 90/006,460 filed November 25, 2002, and Re-Examination 90/007,085 filed June 30, 2004 must be produced in order to meet the required showing of unavoidable delay. It is our understanding that you assigned matter number 010700 to the '160 patent prosecution file (Application No. 09/198,087) and matter number 010900 to at least the first Re-Examination file (No. 90/006,460) as well as matter number 010400 to the *Medtronic* litigation file.

Specifically, we require the following documentation and information to support our request to reconsider the USPTO's decision:

(1) any and all docketing and calendaring records relating to any and all of the above-referenced matters (e.g., pertaining to your matter numbers: **010700** – '160 patent prosecution file; **010900** – Re-examination proceeding; **010400** – *Medtronic* litigation, etc.).

(2) any and all information on your business routine(s) (e.g., written procedures, processes for avoiding errors, etc.) for docketing new cases and paying maintenance fees as well as any business routine(s) for any other relevant clerical functions.

(3) identification of and access to interview the person(s) who were (i.e. which clerical employee(s) or third party(ies) were) responsible for docketing and the payment of maintenance fees for the '160 patent and what relevant training and experience do they possess; and

(4) identification of and access to interview the attorney(s) who authorized the docketing of any and all of the above-referenced matters (it appears likely that Mr. Todd Sharinn provided authorization for docketing the '160 patent prosecution file).

Please contact me no later than 5:00 p.m. Eastern Daylight Time on April 17, 2007 to discuss your ability to produce these requested documents and information. We will do everything in our power to facilitate your effort in responding including traveling to your office, if necessary, to obtain the needed records and documentation. Please do not hesitate to contact me via phone (703 740-8322 x101) or email (tjm@maierandmaier.com) if you would like to further discuss this matter with me.

With Best Regards,

Very Truly Yours,  
MAIER & MAIER, PLLC



Timothy J. Maier, Esq.

TJM/MCB  
Enclosure(s): As Stated Above

# Greenberg Traurig

Dawn Beighley  
Assistant General Counsel  
Tel. (305) 579-0795  
Fax (305) 579-0717  
beighleyd@gtlaw.com



April 13, 2007

## VIA FACSIMILE AND FEDERAL EXPRESS

Timothy J. Maier, Esq.  
Maier & Maier, PLLC  
1000 Duke Street  
Alexandria, Virginia 22314

OFFICE OF THE  
GENERAL COUNSEL

RICHARD G. GARRETT  
GENERAL COUNSEL

STACEY P. DOUGAN  
ASSISTANT GENERAL COUNSEL

DAWN BEIGHLEY  
ASSISTANT GENERAL COUNSEL

JIM TOLPIN  
ASSISTANT GENERAL COUNSEL

JAY A. NOGLE  
DIRECTOR OF LEGAL SYSTEMS

BRENDA K. SUPPLE  
INTAKE REVIEW DIRECTOR

MARISOL RIVERA\*\*  
RISK MANAGEMENT ASSISTANT

Not admitted to the practice of law

Re: U.S. Patent No. 6,066,160 (Colvin, et al.) of Quickie, LLC

**ALBANY**

AMSTERDAM

ATLANTA

BOCA RATON

BOSTON

CHICAGO

DALLAS

DELAWARE

DENVER

FORT LAUDERDALE

HOUSTON

LAS VEGAS

LOS ANGELES

MIAMI

NEW JERSEY

NEW YORK

ORANGE COUNTY

ORLANDO

PHILADELPHIA

PHOENIX

SACRAMENTO

SILICON VALLEY

TALLAHASSEE

TAMPA

TOKYO

TYSONS CORNER

WASHINGTON, D.C.

WEST PALM BEACH

ZURICH

Dear Mr. Maier:

I am writing in response to your letter of April 6, 2007. As we previously advised you back in November of 2006, Greenberg Traurig, LLP ("GT") was not representing and had no authority to represent Quickie, LLC ("Quickie") at the time the subject maintenance fee for the above-identified patent was due. We have provided you with documentation obtained from the U.S. Patent and Trademark Office's website showing that Quickie revoked GT's power of attorney in March 2003 and in December 2003, Thelen Reid & Priest LLP took over as attorneys of record in connection with the patent, all of which occurred prior to the deadline of May 23, 2004, to pay the maintenance fee. GT did not have an ongoing duty to advise Quickie of the deadline and/or pay the maintenance fee after its responsibilities for the patent were terminated. Therefore, the documents and information that you are seeking from us are irrelevant and would not support Quickie's assertion of unavoidable delay before the USPTO's Office of Petitions. Accordingly, we decline as inappropriate under these circumstances you request for interviews of GT attorneys and staff and copies of our business policies and docketing and calendaring records.

Very truly yours,

  
Dawn Beighley

VDB/lo